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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/885,224

06/20/2001

Koichio Sugimoto

7217/64727

4415

7590

07/02/2004

Cooper & Dunham LLP
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New York, NY 10036

EXAMINER

FATAHI YAR, MAHMOUD

ART UNIT

PAPER NUMBER

2674

6

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,224

Applicant(s)

SUGIMOTO, KOICHI

Examiner

Mike Fatahiyar

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2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 6-7 and 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, line 4, the recitation "opening or closing motion of said lid is detected" is vague and indefinite because is not clear the audio data is started based on what position of the lid. Is it the opening or the closing position that activates the reproduction of the audio signal?

In claim 7, line 5, again the recitation "when the opening or closing motion of said lid is detected" is vague and indefinite because it is not clear which position of the lid would activate the reproduction of the audio signal.

In claim 10, line 3, the recitation "operation by to input an instruction to start" Sounds awkward because it is not grammatically correct. Correction and/or clarification is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reavey et al in view of Haas et al(5,954,514).

Reavey et al disclose a method and an apparatus for an electronic book device comprising a portable housing(100) having an image display section (110, 115), a lid

(116, 118) mounted for opening and closing motion for covering the display section, opening and closing detection means(125, 350), a display control means(330) for displaying display data on the image display section(110, 115) and a power source/power conditioner(figure 7) for controlling the supply of power to the display section. Reavey et al substantially shows all the features of the above claims except for the "audio reproducing means", the "control means for controlling the audio reproducing means in response to opening/closing detection of the display lid", the "starting of the audio data when the display is stopped", the "stopping of the audio data when the display data is started" or the "connection means for connecting to an audio apparatus". However, Hass et al is cited to show that the concept of utilizing an audio reproducing means(148) and its associated control means(132, 146) for controlling the audio reproducing means in response to opening or closing of a particular page of a talking album/electronic book or the stopping or the starting of the audio data when the display data is started or stopped respectively is old(column 4, lines 7-17; column 5, lines 57-67; column 6, lines 1-40 and figures 2 and 13). Haas et al also shows the concept of utilizing a connection means for connecting to an audio apparatus is old(column 5, lines 57-62 and the element(134) in figure 13). Thus, it would have been obvious to one of ordinary skill in the art to modify the electronic book device of Reavey et al with the above noted teachings of Haas et al such that to provide an audio reproducing device and its associated control means for controlling the audio reproducing means in response to the opening or the closing of the lids(116, 118) or the stop or the start of the image display section(110, 115) and to provide a connection means for connecting to

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an audio apparatus because both devices are related to an electronic book device for displaying images and having a sensor for detection of opening or closing of the book.

In claims 5-7, 12 and 17, as to the limitations "controlling the display data based on a link data or a resumption position data", such is shown to be old by the electronic bookmark feature of Reavey et al(column 3, lines 28-41; column 6, lines 18-22).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lebby et al, Nishiyama et al, King et al, Lin, Isashi, Froeber et al, Ho, Chombo and Amron are made of record to show various types of electronic books for displaying images and/or playing related audio data.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mike Fatahiyar** whose telephone number is **(703) 305-6911**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

MF

M. Fatahiyar

June 27, 2004


RICHARD HJERPE 6/28/04
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600